

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Schwing America, Inc.,

Plaintiff,

Civ. No. 08-5807 (RHK/FLN)

ORDER

v.

Nichols Concrete Equipment Company and
Nichols Concrete Pumping, Inc.,

Defendants.

This matter is before the Court *sua sponte*. Defendants have filed a Motion to Transfer this action to the United States District Court for the Northern District of Alabama, which is scheduled to be heard by the Court on January 13, 2009, at 8:00 a.m. Having reviewed the parties' Motion papers, the Court does not believe that oral argument will materially assist its resolution of the Motion. Accordingly, **IT IS ORDERED** that the hearing on Defendants' Motion is **CANCELED**. The Motion is deemed submitted as of January 2, 2009, the date of Defendants' Reply Memorandum.

Dated: January 7, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge